

III. REMARKS

1. The rejection of claims 1-34 over the combination of Muhonen et al. (US Patent Application Publication 2003/0186710 A1, "Muhonen") in view of Vialen et al. (US 6,826,406, "Vialen") under 35 U.S.C §103(a) is not proper because both Muhonen and the instant application are commonly owned.

Pursuant to 35 U.S.C §103(c) subject matter which was prior art under 35 U.S.C. 103 via 35 U.S.C. §102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person".

In this case, Muhonen can only qualify as prior art under 35 U.S.C. §102(e). The Muhonen publication is owned by Nokia Corporation. The instant application is also commonly owned by Nokia Corporation. Thus, the instant application and Muhonen, were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

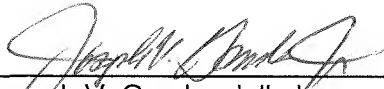
Therefore, pursuant to 35 U.S.C §103(c) Muhonen does not qualify as prior art for the purposes of 35 U.S.C §103(a).

The rejection of claims 1-34 over Muhonen and Vialen under 35 U.S.C §103(a) is improper and should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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Date

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